

**REMARKS**

Claims 1–21 are pending in the application.

Claims 3 and 6–9 have been allowed.

Claims 1–2, 4–5 and 10–21 have been rejected.

Reconsideration of the claims is respectfully requested.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1–2 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,920,837 to *Gould et al.* The rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-70 (8<sup>th</sup> ed. rev. 1 February 2003).

Independent claims 1 and 2 each recite using both speaker independent and speaker dependent sets of word models for speech recognition, where the words for the speaker independent and speaker dependent sets at least partially overlap. Such a feature is not found in the cited reference. *Gould et al* describes base vocabularies containing phoneme-in-context (PIC) tables and separate phoneme elements (PEL) model lists reflecting the speech patterns of different speaker populations, such as male and female speakers or speakers with different types of accents. *Gould et al*, column 22, lines 5–15. These PIC tables and PEL models are employed during training to create user-specific word models stored in .VOC and .USR files. *Gould et al*, column 13, line 36

through column 15, line 15. From a review of the 80 sheets of drawings and 86 columns of description, virtually all of which relates to training or otherwise configuring speech recognition software for use, only the user specific word model files .VOC and .USR appear to be used during speech recognition, not both the base vocabularies and the user specific word model files .VOC and .USR. *Gould et al*, Figure 4, column 13, lines 37–48. The “two sets of . . . models” referenced in the Office Action relate to different types of user-specific models--spelled word models and custom word models--selectively included within a single user’s .VOC and .USR files:

The aspect of the invention relating to using two sets of pattern information or models for each of a plurality of vocabulary words and for providing a user interface that enables the user to prevent the use of the second set of pattern information for a selected word is illustrated most specifically above with regard to FIGS. 84-85. In these figures the first and second sets of word models are the specific types of spelled and custom word models used by both version of DragonDictate. In other embodiments other types of spelled and custom word models, different types of spelled model, and different types of custom models could correspond to first and second sets of pattern information. For example, the first set of pattern information could correspond to spelled or custom word models which have been trained over a long period of time and the second class of pattern information could correspond to such models that have been trained in the current session, or the last week. In other embodiments more than two classes of such pattern information could be associated with a given word and the user interface could be designed to selectively deactivate more than one such class.

*Gould et al*, column 86, lines 30–50. *Gould et al* does not teach using both speaker independent and speaker dependent sets of word models during speech recognition.

In addition, independent claim 1 recites responding to recognition of a user-selected word for a particular command. Such a feature is not found in the cited reference.

Claim 4 recites inviting a user to speak training utterances upon failure, during speech

recognition, to recognize words using the speaker independent word models, and employing such training utterances to create a speaker dependent word model. Such a feature is not found in the cited reference. The cited portions of *Gould et al* (column 18, lines 1–9; column 5, lines 45–48; column 17, lines 46–64; and column 15, lines 16–20) all relate to training, not speech recognition. *Gould et al* fails to teach or suggest monitoring for a predetermined number of recognition failures during speech recognition, then responsively inviting the user to speak training utterances.

Accordingly, the Applicant respectfully requests the Examiner withdraw the § 102(e) rejection of Claims 1–2 and 4.

II. REJECTION UNDER 35 U.S.C. § 103

Claim 5 was rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,719,921 to *Vysotsky et al* in view of U.S. Patent No. 5,774,841 to *Salazar et al*. Claim 11 and 14–21 were rejected under 35 U.S.C. § 103 as being unpatentable over *Vysotsky et al* in view of U.S. Patent No. 5,377,303 to *Firman*. These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-123 (8th ed. rev. 1 February 2003). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.*

To establish a *prima facie* case of obviousness, three basic criteria must be met: First, there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142 at p. 2100-124.

Independent claim 5 recites deriving speaker dependent word models from words marginally recognized (based on a determined likelihood of recognition) within an utterance based upon a set of speaker independent word models. Such a feature is not found in the cited references. The portion of *Vysotsky et al* cited as teaching likelihood of recognizing a word within an utterance using speaker independent word models relates to speech recognition, not derivation of speaker dependent word models. The portion of *Salazar et al* cited as teaching use of a spoken word recognized using a "first set" to derive a word model stored in a second set does not describe utterance recognition using a speaker independent set of word models to derive a speaker dependent word model, but instead merely describes updating a speaker dependent set of word models based on recognition confidence.

In addition, the Office Action cites disjoint portions of the specification of *Salazar et al*, which are assembled piecemeal and out of the context of each portion to formulate the cited "teaching" using the claim limitation as a template:

... Salazar also describes:

a spoken word marginally recognized [at column 14, line 50, as a word spoken recognized with low confidence];

using the first set [at column 13, line 65, as compared to the vocabulary currently active];

and using that spoken word [at column 11, lines 41–42, as stored, raw digital voice from spoken commands];

to derive a word model [at column 15, line 3, as adapt the word for the adaptation update];

and

storing it in the second set [at column 15, lines 3–9, as place the update in RAM, not in permanent storage].

Paper No. 7, page 15. In particular, the cited portion of column 13 relates to a sample or input to be recognized, not a “first set” of word models.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejection of Claims 5, 11 and 14–21.

### III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

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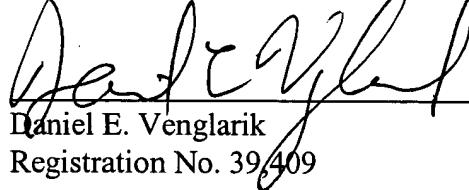
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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